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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,828	03/29/2006	Corrado Moiso	099520031	5491
22852	7590	11/14/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			JOSHI, SURAJ M	
		ART UNIT	PAPER NUMBER	
		4142		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,828	<b>Applicant(s)</b> MOISO, CORRADO
	<b>Examiner</b> SURAJ JOSHI	<b>Art Unit</b> 4142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 29 March 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-44 is/are pending in the application.

4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 23-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/29/2006

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. The applicants canceled claims 1-22 and added new claims 23-44 in the preliminary amendment filed on 3/29/06.

Claims 23-44 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 3/29/2006 was filed after the mailing date of the instant application on 3/29/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 33-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regards to claim 33, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. The claims 34-44 are likewise rejected.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 23-24, 26, 28-29, 33-34, 36, 38-39, and 43-44 are rejected under 35 U.S.C. 102(a) as being anticipated by The Parlay Group, Parlay Web Services Overview, 10/31/2002, pages 1-21,  
[http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebServices-Overview1\\_0.pdf](http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebServices-Overview1_0.pdf), ("Services Overview")

With regards to Claim 23, Services Overview teaches a method for providing to software applications access to web services, comprising the steps of providing a Parlay gateway permitting access to web services, said Parlay gateway comprising a Parlay framework (i.e., A Parlay/OSA Service is provided through a Parlay/OSA Gateway, with the telecom network behind the gateway from the viewpoint of the Application. The application interface provided by the Gateway consists of the Parlay Framework interfaces and one or more Service Capability Servers (SCS), Page 9, Section 5.3) and providing a set of modules comprising service interfaces for said software applications, the modules in said set acting as proxies in order to perform requests for access to web services on the framework of said Parlay gateway on behalf of said software applications (i.e., Parlay Web Services Gateway – an intermediary

between the Parlay Application Server and Parlay/OSA Gateway or other network element, providing a proxy function for the Parlay/OSA Framework capabilities that enable Web Services solutions to be deployed using intermediate servers, Page 11, Section 5.4).

With regards to Claim 24, Services Overview teaches the step of configuring the modules in said set for performing authentication, authorization, and execution requests on said Parlay gateway on behalf of said software applications (i.e., Parlay Framework – A set of functions for authentication, access control, service discovery and other capabilities, which offers secure and controlled access to network capabilities embodied in Services, Page 11, Section 5.3).

With regards to Claim 26, Services Overview teach wherein said web services are Parlay X web services (i.e., Parlay X Application Interface – Parlay X is a set of high level application interfaces defined in WSDL. The Parlay Web Services Gateway may support Parlay X Application Interfaces, Page 11, Section 5.4).

With regards to Claim 28, Services Overview teach the step of providing a distributed processing mechanism enabling said modules in said set to interact with said Parlay framework in said Parlay gateway via said distributed processing mechanism (i.e., i.e., In fact, a single Parlay Gateway or Parlay Web Service Gateway may support both sets of WSDL interfaces simultaneously, or a combination of WSDL interfaces and CORBA interfaces (or other interface) simultaneously, Page 20, Section 9.1)

With regards to Claim 29, Services Overview teach that said distributed processing mechanism is CORBA (i.e., In fact, a single Parlay Gateway or Parlay Web

Service Gateway may support both sets of WSDL interfaces simultaneously, or a combination of WSDL interfaces and CORBA interfaces (or other interface) simultaneously, Page 20, Section 9.1).

With regards to Claim 33, the limitations of Claim 33 are similar to the limitations of Claim 23. Therefore, the limitations of Claim 33 are rejected in the analysis of claim 23 above, and the claim is rejected on that basis.

With regards to Claim 34, the limitations of Claim 34 are similar to the limitations of Claim 24. Therefore, the limitations of Claim 34 are rejected in the analysis of claim 24 above, and the claim is rejected on that basis.

With regards to Claim 36, the limitations of Claim 36 are similar to the limitations of Claim 26. Therefore, the limitations of Claim 36 are rejected in the analysis of claim 26 above, and the claim is rejected on that basis.

With regards to Claim 38, the limitations of Claim 38 are similar to the limitations of Claim 28. Therefore, the limitations of Claim 38 are rejected in the analysis of claim 28 above, and the claim is rejected on that basis.

With regards to Claim 39, the limitations of Claim 39 are similar to the limitations of Claim 29. Therefore, the limitations of Claim 39 are rejected in the analysis of claim 29 above, and the claim is rejected on that basis.

With regards to Claim 43, Services Overview teaches the above discussed subject matter. Services Overview further teaches a Communication network (i.e., the telecom industry has a strict set of requirements surrounding the opening of the telecom

network to external access. These requirements have been captured in, and are reflected in, the Parlay/OSA specifications and APIs., Page 5, Section 3.1).

With regards to claim 44, Services Overview further teaches a computer program product loadable in the memory of at least one computer and including software portions (i.e., Services Host – the computer on which a Service is hosted. The application has no visibility to the host configuration, Page 10, Section 5.3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 25, 30-32, 35, 40-42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Parlay Group, Parlay Web Services Overview, 10/31/2002, pages 1-21,

[http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebServices-Overview1\\_0.pdf](http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebServices-Overview1_0.pdf), ("Services Overview") in view of The Parlay Group, Parlay Web Services Architecture Comparison, 10/31/2002, pages 1-17,  
[http://web.archive.org/web/20030320084322/http://www.parlay.org/specs/ParlayWebServices-ArchitectureComparison1\\_0.pdf](http://web.archive.org/web/20030320084322/http://www.parlay.org/specs/ParlayWebServices-ArchitectureComparison1_0.pdf), ("Architecture Comparison")

With regards to Claim 25, Services Overview teaches the above disclosed subject matter, however, Services Overview does not explicitly disclose the step of

providing a further set of modules configured for implementing the behavior of said web services once said requests on said Parlay framework of said Parlay gateway have been performed on behalf of said software applications by the modules in said set. Architecture Comparison teaches the step of providing a further set of modules configured for implementing the behavior of said web services once said requests on said Parlay framework of said Parlay gateway have been performed on behalf of said software applications by the modules in said set (i.e., Finally, the agreed parameters are signed, and the Framework returns to the Application the references to the requested Services. These are valid only for a single session of the Application. In addition, the associated behavior could be specialized according to the negotiated parameters, Page 7, Section 4) in order to enable application developers to access telecom network capabilities through an open interface (Page 6, Section 4). Therefore, based on Services Overview in view of Architecture Comparison, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the teachings of Architecture Comparison to the system of Services Overview in order to enable application developers to access telecom network capabilities through an open interface (Page 6, Section 4).

With regards to Claim 30, Services Overview teach the step of providing a respective distributed processing mechanism enabling said modules in said further set to interact with said Parlay framework in said Parlay gateway via said respective distributed processing mechanism (i.e., i.e., In fact, a single Parlay Gateway or Parlay Web Service Gateway may support both sets of WSDL interfaces simultaneously, or a

combination of WSDL interfaces and CORBA interfaces (or other interface) simultaneously, Page 20, Section 9.1).

With regards to Claim 31, Services Overview teaches that said respective distributed processing mechanism is CORBA (i.e., In fact, a single Parlay Gateway or Parlay Web Service Gateway may support both sets of WSDL interfaces simultaneously, or a combination of WSDL interfaces and CORBA interfaces (or other interface) simultaneously, Page 20, Section 9.1).

With regards to Claim 32, Services Overview teaches the above discussed subject matter, however Services Overview does not explicitly disclose that the step of one of said software applications accessing a web services comprising the steps of: said software application subscribing a module in said further set corresponding to said web service and configuring the service properties of said subscribed module in said further set, wherein both said operations are performed by using the tools provided by said Parlay framework in said Parlay gateway. Architecture Comparison teach that the step of one of said software applications accessing a web service comprising the steps of: said software application subscribing a module in said further set corresponding to said web service (i.e., In order to enable that the implementation of a Service that can be selected and returned to an Application by the Framework function, the Service must register itself to the Framework function (Figure 3): the Service invokes the Service Registration API after authentication and authorization steps. When the Service is selected by an Application, the Framework invokes the Service Factory Interface provided by the Service, getting the Service reference to be returned to the Application,

which can then use it to access the Service, Page 8, Section 4) and configuring the service properties of said subscribed module in said further set, wherein both said operations are performed by using the tools provided by said Parlay framework in said Parlay gateway (i.e., In the Parlay architecture, the Framework functions play a critical role. The principal functions provided by a Framework are: Secure, controlled and accountable access to the Services; Incremental introductions of new Services through the Service registration process; Management of the integrity of the whole Parlay/OSA system (i.e., Applications and Services), such as fault handling and load control, Page 8, Section 4) in order to enable application developers to access telecom network capabilities through an open interface (Page 6, Section 4). Therefore, based on Services Overview in view of Architecture Comparison, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Architecture Comparison to the system of Services Overview in order to enable application developers to access telecom network capabilities through an open interface (Page 6, Section 4).

With regards to Claim 35, the limitations of Claim 35 are similar to the limitations of Claim 25. Therefore, the limitations of Claim 35 are rejected in the analysis of claim 25 above, and the claim is rejected on that basis.

With regards to Claim 40, the limitations of Claim 40 are similar to the limitations of Claim 30. Therefore, the limitations of Claim 40 are rejected in the analysis of claim 30 above, and the claim is rejected on that basis.

With regards to Claim 41, the limitations of Claim 41 are similar to the limitations of Claim 31. Therefore, the limitations of Claim 41 are rejected in the analysis of claim 31 above, and the claim is rejected on that basis.

With regards to Claim 42, the limitations of Claim 42 are similar to the limitations of Claim 32. Therefore, the limitations of Claim 42 are rejected in the analysis of claim 32 above, and the claim is rejected on that basis.

With regards to claim 44, Services Overview further teaches a computer program product loadable in the memory of at least one computer and including software portions (i.e., Services Host – the computer on which a Service is hosted. The application has no visibility to the host configuration, Page 10, Section 5.3).

9. Claims 27, 37, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Parlay Group, Parlay Web Services Overview, 10/31/2002, pages 1-21,

[http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebServices-Overview1\\_0.pdf](http://web.archive.org/web/20030320124225/http://www.parlay.org/specs/ParlayWebServices-Overview1_0.pdf), ("Services Overview") in view of The Parlay Group, Parlay Web Services Application Deployment Infrastructure, 10/31/2002, pages 1-21, [http://web.archive.org/web/20030320112944/http://www.parlay.org/specs/ParlayWebServices-ApplicationDeploymentInfrastructure1\\_0.pdf](http://web.archive.org/web/20030320112944/http://www.parlay.org/specs/ParlayWebServices-ApplicationDeploymentInfrastructure1_0.pdf), ("Application Deployment").

With regards to Claim 27, Services Overview teaches the above discussed subject matter, however Services Overview does not explicitly disclose the step of defining at least one web service security protocol for ensuring secure interaction

between said software applications and the modules in said set. Application Deployment Infrastructure teaches the step of defining at least one web service security protocol for ensuring secure interaction between said software applications and the modules in said set (i.e., In a Web Service deployment where a Parlay Web Service Gateway is the entity being bound to by the Parlay Application, the Parlay Web Services Gateway may implement a Parlay Framework using the Parlay Web Services Interfaces, or it may implement a Web security model...The security model must provide policies for both authentication and access control, and these policies may be very strict or lax, Page 11, Section 4.5.4) in order to provide developers with additional choices for how applications are built and deployed, and will provide Service Providers with a broader scope of market opportunity as they reach emerging markets that are being enabled for Web Services (Page 6, Section 3). Therefore, based on Services Overview in view of Application Deployment, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Application Deployment to the system of Services Overview in order to provide developers with additional choices for how applications are built and deployed, and will provide Service Providers with a broader scope of market opportunity as they reach emerging markets that are being enabled for Web Services (Page 6, Section 3).

With regards to Claim 37, the limitations of Claim 37 are similar to the limitations of Claim 27. Therefore, the limitations of Claim 37 are rejected in the analysis of claim 27 above, and the claim is rejected on that basis.

With regards to claim 44, Services Overview further teaches a computer program product loadable in the memory of at least one computer and including software portions (i.e., Services Host – the computer on which a Service is hosted. The application has no visibility to the host configuration, Page 10, Section 5.3).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SURAJ JOSHI whose telephone number is (571) 270-7209. The examiner can normally be reached on Monday to Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Hwang can be reached on (571) 272-4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joon H. Hwang/  
Supervisory Patent Examiner, Art Unit 4142